

# KATZ DEPOSITION EXCERPTS

1           A     Frankly, I have no memory of the actual  
2 conversation with Belfield, when it took place that  
3 week, where it took place. So I can't really say.  
4 But my -- I'm almost 100 percent sure that nobody else  
5 would've been in the room.

6                 When I had conversations with Dean Belfield  
7 in general about policy matters in the department of  
8 humanities, it was almost always just him and me in  
9 his office.

10           Q     Were you seeking legal advice from Dean  
11 Belfield?

12           A     Absolutely not. I was just telling him what  
13 was going on and asking him what we should do about  
14 it.

15           Q     At any point in time from November 2016, on,  
16 when you addressed Dean Belfield with an issue  
17 concerning Jason Jorjani, were you seeking legal  
18 advice?

19                     MR. HAEFNER: Is Dean Belfield some  
20 crypto lawyer that I'm unaware of?

21                     MR. KELLY: Listen, it's a question.

22                     MR. HAEFNER: You can go ahead and  
23 answer.

24                     THE WITNESS: No. I mean, my father  
25 was an attorney. If I want legal advice, I'm going to

1 ask a lawyer, not the dean.

2 BY MR. KELLY:

3 Q Thank you, Professor Katz.

4 A My chair just went down. Sorry. Excuse me.

5 Q All right.

6 A I have to change chairs.

7 MR. ROTH: Or you could just move the  
8 screen.

9 THE WITNESS: Yeah, yeah, yeah. Well,  
10 I don't -- Rich, I don't know why your chair just  
11 collapsed on me.

12 MR. ROTH: You broke one.

13 THE WITNESS: Okay.

14 BY MR. KELLY:

15 Q Professor Katz, I'm going to show you what  
16 I'd like marked as Plaintiff's Exhibit Number 13. It  
17 is an email trail; the head of which starts with  
18 Matthew Golden, dated December 8, 2016, to Denise  
19 Anderson. It is marked as NJIT ESI Production Number  
20 4898 through 4903.

21 (Exhibit 13 was marked for  
22 identification.)

23 A Okay.

24 Q Do you see that?

25 A Yeah. You spelled --

1           Q       Would it not have been much simpler to  
2 simply craft a one or two-line sentence suitable to  
3 release whenever NJIT received an inquiry like Mr.  
4 Jenkins' or Mr. Schumacher's that stated, in effect,  
5 our personnel or employees' politics are their own,  
6 and if they're not brought to campus, they're not our  
7 business?

8                   MR. HAEFNER: Objection to the form of  
9 the question.

10                   You can go ahead and answer.

11                   It's ambiguous, but that's the basis of  
12 the objection.

13                   You can go ahead and answer.

14           A       I mean, again, it's not my place to decide  
15 those kinds of things. So the school could do  
16 whatever they want.

17           Q       Well, surely as chairman of the department  
18 of humanities, you felt some responsibility for  
19 safeguarding the academic freedom of those within your  
20 employ, correct, Professor Katz?

21                   MR. HAEFNER: Objection to the form of  
22 the question. Badgering.

23                   You can go ahead and answer.

24                   MR. KELLY: Badgering?

25           A       Yes.

1 Q And you were uneasy with Mr. Schumacher's  
2 email, correct?

3 MR. HAEFNER: Was that the previous  
4 email, Exhibit 12?

5 MR. KELLY: Yes.

6 MR. HAEFNER: Sorry. Thank you.

7 THE WITNESS: Uneasy? Yeah. It  
8 created concern on my part, yes.

9 BY MR. KELLY:

10 Q Was it uneasy for Jorjani's sake, or for  
11 someone else's sake?

12 MR. HAEFNER: Objection to the form of  
13 the question. Compound.

14 You can go ahead and answer.

15 A I was concerned for Jason and for the  
16 university.

17 Q Professor Katz, when you wrote on December  
18 8, 2016, here on Exhibit 13, someone needs to tell me  
19 what to do and say --

20 A Uh-huh.

21 Q -- did you view this really as a PR problem?

22 A Yes.

23 MR. KELLY: Gentlemen, we've been at  
24 this for an hour. I'd like a five-minute break to  
25 rest my eyes.

1 Q And you were uneasy with Mr. Schumacher's  
2 email, correct?

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4 email, Exhibit 12?

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16 university.

17 Q Professor Katz, when you wrote on December  
18 8, 2016, here on Exhibit 13, someone needs to tell me  
19 what to do and say --

20 A Uh-huh.

21 Q -- did you view this really as a PR problem?

22 A Yes.

23 MR. KELLY: Gentlemen, we've been at  
24 this for an hour. I'd like a five-minute break to  
25 rest my eyes.

1 probably just sent it on upstairs, as I was doing with  
2 every other email.

3 Q Professor Katz, when you say you sent it on  
4 upstairs, does that mean sending it also on to Holly  
5 Stern?

6 MR. HAEFNER: Objection to the form of  
7 the question.

8 You can go ahead and answer.

9 A Again, at this point, I don't remember who I  
10 was sending things to or who was on the email chain.  
11 My primary -- I primarily sent it to Kevin Belfield,  
12 the dean. At this point, I don't remember whether  
13 Matt Golden and Holly Stern and Fadi Deek were also on  
14 the email chains. I just don't recall.

15 Q Professor Katz, in your mind, was this a  
16 personnel matter, or was this a legal matter?

17 MR. HAEFNER: Objection to the form of  
18 the question.

19 You can go ahead and answer.

20 And can you repeat that? Was this a  
21 what or what?

22 Q Sure. Did -- let me rephrase it.

23 Did the Jorjani situation that was presented  
24 to you in November of 2016 and onward -- by which I  
25 mean various people complaining about Jorjani's

1 extramural political speech and associations. Do you  
2 understand that?

3 A Yeah. Yes, I do.

4 Q Did that situation, in your mind, present a  
5 personnel issue, or a legal issue?

6 A Well, I'm not a lawyer, so I don't think I  
7 would consider it as a legal issue. To me it seems to  
8 be more of a personnel issue.

9 Q I'm going to show you what should be marked  
10 as Plaintiff's Exhibit Number 30.

11 Let me pull it up.

12 (Exhibit 30 was marked for  
13 identification.)

14 It's an email from Matthew Golden to  
15 yourself, amongst other people, dated April 9, 2017.

16 A Okay.

17 Q The subject says Media Inquiry. It's a  
18 two-page PDF. It's New Jersey -- NJIT's ESI Number  
19 169 and 170.

20 Do you see that document, sir?

21 A Yes, I do.

22 Q Now, if you had a chance to read through it  
23 or need me to scroll down, let me know, please, all  
24 right?

25 Counsel, would you like me to scroll up?



1 OAQ. I mean with regard to your interactions with  
2 Jorjani.

3 MR. HAEFNER: That he was in compliance  
4 ethically?

5 Q My question is -- let me see if I can  
6 restate it. I'll withdraw it and restate it.

7 Professor Katz, did you rely upon Christine  
8 Li to be sure that you stayed within the law in terms  
9 of your demands to have Jorjani fill out his OAQ form?

10 MR. HAEFNER: Objection to the form of  
11 the question.

12 If you're asking him if he had  
13 conversations with Christine Li for legal advice in  
14 her capacity as a lawyer, I'm instructing the witness  
15 not to answer. If you're asking him if he had  
16 conversations with her as an ethics liaison officer  
17 about ethical issues and interpretation of ethical  
18 issues, he can answer.

19 MR. KELLY: Well, in point of fact, I  
20 think he'd have to answer both of those. If  
21 he's -- whether or not he's had conversations with a  
22 lawyer, that itself is not a privileged question.

23 MR. HAEFNER: Yeah, but you built into  
24 the question what the topic of the conversation was  
25 which is privileged.

1 MR. KELLY: Well, hold on. No, that's  
2 not true. The subject of the conversation is not  
3 privileged.

4 MR. HAEFNER: I think you -- why don't  
5 you ask it again, because I think you built in what  
6 was the advice of the lawyer. But why don't you ask  
7 it again. Maybe you --

8 BY MR. KELLY:

9 Q No, no. Let me be clear. Let me be clear.  
10 I'm not asking what the specific advice is. My  
11 question was -- the verb was rely.

12 Did you rely upon the advice of Christine Li  
13 to make sure that -- did Professor Katz rely upon the  
14 advice of Christine Li to make sure that he was in  
15 compliance with the law in his dealings with Jason  
16 Jorjani on the OAQ issue?

17 MR. HAEFNER: Do you want a yes or no  
18 answer?

19 MR. KELLY: Yes.

20 MR. HAEFNER: It lacks foundation. He  
21 can give a yes/no answer.

22 Go ahead, Eric.

23 THE WITNESS: My answer would be no. I  
24 never even considered my own legal position in terms  
25 of Jason's OAQ.

1 BY MR. KELLY:

2 Q So, Professor Katz, is it fair to say that,  
3 in your mind, this was strictly a -- strike that.

4 Professor Katz, is it fair to say that, from  
5 your perspective, this was a run-of-the-mill personnel  
6 issue?

7 MR. HAEFNER: Objection to the form of  
8 the question.

9 You can go ahead and answer.

10 A Well, I wouldn't call it run-of-the-mill but  
11 it was definitely a personnel issue.

12 Q Professor Katz, was Jason Jorjani's OAO  
13 compliance a personnel issue?

14 MR. HAEFNER: Objection to the form of  
15 the question. Asked and answered.

16 You can go ahead and answer.

17 A Yes. I believe it was a personnel issue.

18 Q I'm sorry. My -- by the way, I apologize,  
19 Professor Katz. I know a lot of this seems tedious.

20 A That's okay.

21 Q It's just kind of the way sometimes we work  
22 things out. I'm not trying to badger you or draw this  
23 out. It just -- when Mr. Haefner objects, I've got to  
24 think about the matter and then try to reformulate in  
25 case there's a valid objection there. It's kind of

1 the dance we do here. I'm not trying to be tedious or  
2 beat a dead horse as they say.

3 A I understand.

4 Q Okay. Did you think, Professor Katz, that  
5 Jorjani's OAQ issue was a particularly complex  
6 personnel issue?

7 MR. HAEFNER: Objection to the form of  
8 the question.

9 You can go ahead and answer.

10 A No, I didn't think it was complex. I  
11 thought that it was that he was not putting in all the  
12 information relevant to his outside activities.  
13 Pretty simple.

14 Q Professor Katz, do you recall drafting a  
15 reappointment letter with regard to Professor Jorjani  
16 around April of 2017?

17 A Yes, I do.

18 Q Okay. Did that present any kind of legal  
19 issue in your mind?

20 A No, it didn't.

21 Q It presented a routine personnel issue,  
22 correct?

23 MR. HAEFNER: Objection to the form of  
24 the question.

25 You can go ahead and answer.

1 what this email is about?

2 A No --

3 MR. HAEFNER: You can answer yes or no.

4 A No.

5 Q I'm going to have to ask -- well ...

6 MR. HAEFNER: Are you going to ask him  
7 to remember? He just said he doesn't remember.

8 Oh, and what document -- is this  
9 Exhibit 28, Mr. Kelly? 32?

10 MR. KELLY: 32.

11 MR. HAEFNER: Okay.

12 MR. KELLY: It's ESI -- NJIT's ESI  
13 3678. Marked confidential despite the fact that it  
14 doesn't really reveal too much. Probably another  
15 overclassification by your office, but we'll let that  
16 slide.

17 MR. HAEFNER: Thanks.

18 BY MR. KELLY:

19 Q Let me ask you this, Professor Katz.

20 In April of 2017, were you discussing  
21 Jorjani's OAQ compliance with Holly Stern and  
22 Christine Li?

23 MR. HAEFNER: Objection to the form of  
24 the question. I mean, again, you built into the  
25 question the nature of --

1 MR. KELLY: The subject matter. I'm  
2 not building into the nature of the advice, if any.  
3 I'm asking the subject matter.

4 MR. HAEFNER: I don't believe that's  
5 the truth, Mr. Kelly. I believe the  
6 question -- there's a different question you could ask  
7 and it's not that question.

8 So, you know, if you want to ask the  
9 witness if he had conversations with Holly Stern  
10 around this time, without discussing the topic, that  
11 would initially get you an answer to your question and  
12 we could see whether there's anywhere to go.

13 MR. KELLY: No, I'll stand on that  
14 question. Are you going to direct him not to answer?

15 MR. HAEFNER: Okay. Don't answer the  
16 question, Mr. Katz.

17 MR. KELLY: Please mark that for a  
18 ruling. I'll have that certified.

19 MR. HAEFNER: I don't even know what  
20 that means. You know, we're in federal court in New  
21 Jersey. There's no such thing as getting things  
22 certified.

23 MR. KELLY: My experience in federal  
24 court means, when it's certified, the judge rules on  
25 it later on. That's what I mean --